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AMENDED IN SENATE MAY 29, 2014

AMENDED IN ASSEMBLY JANUARY 23, 2014

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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 264**

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**Introduced by Assembly Member Maienschein**

(Principal coauthor: Senator Vidak)

**(Coauthors: Assembly Members Achadjian, Atkins, Ian Calderon,  
Chávez, Gordon, Stone, Waldron, Wieckowski)**

(Coauthor: Senator Cannella)

February 7, 2013

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An act to amend Section 11450 of the Welfare and Institutions Code, relating to public social services.

### LEGISLATIVE COUNSEL'S DIGEST

AB 264, as amended, Maienschein. CalWORKs: temporary shelter assistance.

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families. Existing law, with certain exceptions, provides eligible families with

homeless assistance, including temporary shelter assistance for one period of up to 16 consecutive calendar days.

This bill would eliminate the requirement that the temporary assistance be provided during one period of consecutive days, and instead would limit the temporary assistance to a maximum of 16 calendar days. *This bill would require the State Department of Social Services to issue an all-county letter or similar instructions by April 1, 2015, and to adopt regulations to implement the provisions of the bill by July 1, 2016.* The bill also would make conforming and technical, nonsubstantive changes. Because this bill would create new administrative duties for counties, it would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would, instead, provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11450 of the Welfare and Institutions  
2 Code, as amended by Section 37 of Chapter 21 of the Statutes of  
3 2013, is amended to read:  
4 11450. (a) (1) Aid shall be paid for each needy family, which  
5 shall include all eligible brothers and sisters of each eligible  
6 applicant or recipient child and the parents of the children, but  
7 shall not include unborn children, or recipients of aid under Chapter  
8 3 (commencing with Section 12000), qualified for aid under this  
9 chapter. In determining the amount of aid paid, and notwithstanding  
10 the minimum basic standards of adequate care specified in Section  
11 11452, the family's income, exclusive of any amounts considered  
12 exempt as income or paid pursuant to subdivision (e) or Section  
13 11453.1, determined for the prospective semiannual period

pursuant to Sections 11265.1, 11265.2, and 11265.3, and then calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), and (f):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of former Section

1 11453.05, and no further reduction shall be made pursuant to that  
2 section.

3 (b) (1) When the family does not include a needy child qualified  
4 for aid under this chapter, aid shall be paid to a pregnant mother  
5 who is 18 years of age or younger at any time after verification of  
6 pregnancy, in the amount that would otherwise be paid to one  
7 person, as specified in subdivision (a), if the mother and child, if  
8 born, would have qualified for aid under this chapter. Verification  
9 of pregnancy shall be required as a condition of eligibility for aid  
10 under this subdivision.

11 (2) Notwithstanding paragraph (1), when the family does not  
12 include a needy child qualified for aid under this chapter, aid shall  
13 be paid to a pregnant mother for the month in which the birth is  
14 anticipated and for the three-month period immediately prior to  
15 the month in which the birth is anticipated in the amount that would  
16 otherwise be paid to one person, as specified in subdivision (a), if  
17 the mother, and child, if born, would have qualified for aid under  
18 this chapter. Verification of pregnancy shall be required as a  
19 condition of eligibility for aid under this subdivision.

20 (3) Paragraph (1) shall apply only when the Cal-Learn Program  
21 is operative.

22 (c) The amount of forty-seven dollars (\$47) per month shall be  
23 paid to pregnant mothers qualified for aid under subdivision (a)  
24 or (b) to meet special needs resulting from pregnancy if the mother,  
25 and child, if born, would have qualified for aid under this chapter.  
26 County welfare departments shall refer all recipients of aid under  
27 this subdivision to a local provider of the Women, Infants and  
28 Children program. If that payment to pregnant mothers qualified  
29 for aid under subdivision (a) is considered income under federal  
30 law in the first five months of pregnancy, payments under this  
31 subdivision shall not apply to persons eligible under subdivision  
32 (a), except for the month in which birth is anticipated and for the  
33 three-month period immediately prior to the month in which  
34 delivery is anticipated, if the mother, and the child, if born, would  
35 have qualified for aid under this chapter.

36 (d) For children receiving AFDC-FC under this chapter, there  
37 shall be paid, exclusive of any amount considered exempt as  
38 income, an amount of aid each month which, when added to the  
39 child's income, is equal to the rate specified in Section 11460,

1 11461, 11462, 11462.1, or 11463. In addition, the child shall be  
2 eligible for special needs, as specified in departmental regulations.

3 (e) In addition to the amounts payable under subdivision (a)  
4 and Section 11453.1, a family shall be entitled to receive an  
5 allowance for recurring special needs not common to a majority  
6 of recipients. These recurring special needs shall include, but not  
7 be limited to, special diets upon the recommendation of a physician  
8 for circumstances other than pregnancy, and unusual costs of  
9 transportation, laundry, housekeeping services, telephone, and  
10 utilities. The recurring special needs allowance for each family  
11 per month shall not exceed that amount resulting from multiplying  
12 the sum of ten dollars (\$10) by the number of recipients in the  
13 family who are eligible for assistance.

14 (f) After a family has used all available liquid resources, both  
15 exempt and nonexempt, in excess of one hundred dollars (\$100),  
16 with the exception of funds deposited in a restricted account  
17 described in subdivision (a) of Section 11155.2, the family shall  
18 also be entitled to receive an allowance for nonrecurring special  
19 needs.

20 (1) An allowance for nonrecurring special needs shall be granted  
21 for replacement of clothing and household equipment and for  
22 emergency housing needs other than those needs addressed by  
23 paragraph (2). These needs shall be caused by sudden and unusual  
24 circumstances beyond the control of the needy family. The  
25 department shall establish the allowance for each of the  
26 nonrecurring special need items. The sum of all nonrecurring  
27 special needs provided by this subdivision shall not exceed six  
28 hundred dollars (\$600) per event.

29 (2) Homeless assistance is available to a homeless family  
30 seeking shelter when the family is eligible for aid under this  
31 chapter. Homeless assistance for temporary shelter is also available  
32 to homeless families which are apparently eligible for aid under  
33 this chapter. Apparent eligibility exists when evidence presented  
34 by the applicant, or which is otherwise available to the county  
35 welfare department, and the information provided on the  
36 application documents indicate that there would be eligibility for  
37 aid under this chapter if the evidence and information were verified.  
38 However, an alien applicant who does not provide verification of  
39 his or her eligible alien status, or a woman with no eligible children

1 who does not provide medical verification of pregnancy, is not  
2 apparently eligible for purposes of this section.

3 A family is considered homeless, for the purpose of this section,  
4 when the family lacks a fixed and regular nighttime residence; the  
5 family has a primary nighttime residence that is a supervised  
6 publicly or privately operated shelter designed to provide temporary  
7 living accommodations; or the family is residing in a public or  
8 private place not designed for, or ordinarily used as, a regular  
9 sleeping accommodation for human beings. A family is also  
10 considered homeless for the purpose of this section if the family  
11 has received a notice to pay rent or quit. The family shall  
12 demonstrate that the eviction is the result of a verified financial  
13 hardship as a result of extraordinary circumstances beyond their  
14 control, and not other lease or rental violations, and that the family  
15 is experiencing a financial crisis that could result in homelessness  
16 if preventative assistance is not provided.

17 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)  
18 a day shall be available to families of up to four members for the  
19 costs of temporary shelter, subject to the requirements of this  
20 paragraph. The fifth and additional members of the family shall  
21 each receive fifteen dollars (\$15) per day, up to a daily maximum  
22 of one hundred twenty-five dollars (\$125). County welfare  
23 departments may increase the daily amount available for temporary  
24 shelter as necessary to secure the additional bedspace needed by  
25 the family.

26 (ii) This special need shall be granted or denied immediately  
27 upon the family's application for homeless assistance, and benefits  
28 shall be available for up to three working days. The county welfare  
29 department shall verify the family's homelessness within the first  
30 three working days and if the family meets the criteria of  
31 questionable homelessness established by the department, the  
32 county welfare department shall refer the family to its early fraud  
33 prevention and detection unit, if the county has such a unit, for  
34 assistance in the verification of homelessness within this period.

35 (iii) After homelessness has been verified, the three-day limit  
36 shall be extended for a period of time which, when added to the  
37 initial benefits provided, does not exceed a total of 16 calendar  
38 days. This extension of benefits shall be done in increments of one  
39 week and shall be based upon searching for permanent housing  
40 which shall be documented on a housing search form; good cause;

1 or other circumstances defined by the department. Documentation  
2 of a housing search shall be required for the initial extension of  
3 benefits beyond the three-day limit and on a weekly basis thereafter  
4 as long as the family is receiving temporary shelter benefits. Good  
5 cause shall include, but is not limited to, situations in which the  
6 county welfare department has determined that the family, to the  
7 extent it is capable, has made a good faith but unsuccessful effort  
8 to secure permanent housing while receiving temporary shelter  
9 benefits.

10 (B) A nonrecurring special need for permanent housing  
11 assistance is available to pay for last month's rent and security  
12 deposits when these payments are reasonable conditions of securing  
13 a residence, or to pay for up to two months of rent arrearages, when  
14 these payments are a reasonable condition of preventing eviction.

15 The last month's rent or monthly arrearage portion of the  
16 payment (i) shall not exceed 80 percent of the family's total  
17 monthly household income without the value of CalFresh benefits  
18 or special needs for a family of that size and (ii) shall only be made  
19 to families that have found permanent housing costing no more  
20 than 80 percent of the family's total monthly household income  
21 without the value of CalFresh benefits or special needs for a family  
22 of that size.

23 However, if the county welfare department determines that a  
24 family intends to reside with individuals who will be sharing  
25 housing costs, the county welfare department shall, in appropriate  
26 circumstances, set aside the condition specified in clause (ii) of  
27 the preceding paragraph.

28 (C) The nonrecurring special need for permanent housing  
29 assistance is also available to cover the standard costs of deposits  
30 for utilities which are necessary for the health and safety of the  
31 family.

32 (D) A payment for or denial of permanent housing assistance  
33 shall be issued no later than one working day from the time that a  
34 family presents evidence of the availability of permanent housing.  
35 If an applicant family provides evidence of the availability of  
36 permanent housing before the county welfare department has  
37 established eligibility for aid under this chapter, the county welfare  
38 department shall complete the eligibility determination so that the  
39 denial of or payment for permanent housing assistance is issued  
40 within one working day from the submission of evidence of the

1 availability of permanent housing, unless the family has failed to  
2 provide all of the verification necessary to establish eligibility for  
3 aid under this chapter.

4 (E) (i) Except as provided in clauses (ii) and (iii), eligibility  
5 for the temporary shelter assistance and the permanent housing  
6 assistance pursuant to this paragraph shall be limited to a maximum  
7 of 16 calendar days of temporary assistance and one payment of  
8 permanent assistance. Any family that includes a parent or  
9 nonparent caretaker relative living in the home who has previously  
10 received the maximum allowable temporary or permanent homeless  
11 assistance at any time on behalf of an eligible child shall not be  
12 eligible for further homeless assistance. Any person who applies  
13 for homeless assistance benefits shall be informed that, with certain  
14 exceptions, the temporary shelter benefit is limited to a maximum  
15 of 16 calendar days in a lifetime.

16 (ii) A family that becomes homeless as a direct and primary  
17 result of a state or federally declared natural disaster shall be  
18 eligible for temporary and permanent homeless assistance.

19 (iii) A family shall be eligible for temporary and permanent  
20 homeless assistance when homelessness is a direct result of  
21 domestic violence by a spouse, partner, or roommate; physical or  
22 mental illness that is medically verified that shall not include a  
23 diagnosis of alcoholism, drug addiction, or psychological stress;  
24 or the uninhabitability of the former residence caused by sudden  
25 and unusual circumstances beyond the control of the family  
26 including natural catastrophe, fire, or condemnation. These  
27 circumstances shall be verified by a third-party governmental or  
28 private health and human services agency, except that domestic  
29 violence may also be verified by a sworn statement by the victim,  
30 as provided under Section 11495.25. Homeless assistance payments  
31 based on these specific circumstances may not be received more  
32 often than once in any 12-month period. In addition, if the domestic  
33 violence is verified by a sworn statement by the victim, the  
34 homeless assistance payments shall be limited to a maximum of  
35 32 calendar days of temporary assistance and two payments of  
36 permanent assistance. A county may require that a recipient of  
37 homeless assistance benefits who qualifies under this paragraph  
38 for a second time in a 24-month period participate in a  
39 homelessness avoidance case plan as a condition of eligibility for  
40 homeless assistance benefits. The county welfare department shall



1 immediately inform recipients who verify domestic violence by a  
2 sworn statement pursuant to clause (iii) of the availability of  
3 domestic violence counseling and services, and refer those  
4 recipients to services upon request.

5 (iv) If a county requires a recipient who verifies domestic  
6 violence by a sworn statement to participate in a homelessness  
7 avoidance case plan pursuant to clause (iii), the plan shall include  
8 the provision of domestic violence services, if appropriate.

9 (v) If a recipient seeking homeless assistance based on domestic  
10 violence pursuant to clause (iii) has previously received homeless  
11 avoidance services based on domestic violence, the county shall  
12 review whether services were offered to the recipient and consider  
13 what additional services would assist the recipient in leaving the  
14 domestic violence situation.

15 (vi) The county welfare department shall report to the  
16 department through a statewide homeless assistance payment  
17 indicator system, necessary data, as requested by the department,  
18 regarding all recipients of aid under this paragraph.

19 (F) The county welfare departments, and all other entities  
20 participating in the costs of the CalWORKs program, have the  
21 right in their share to any refunds resulting from payment of the  
22 permanent housing. However, if an emergency requires the family  
23 to move within the 12-month period specified in subparagraph  
24 (E), the family shall be allowed to use any refunds received from  
25 its deposits to meet the costs of moving to another residence.

26 (G) Payments to providers for temporary shelter and permanent  
27 housing and utilities shall be made on behalf of families requesting  
28 these payments.

29 (H) The daily amount for the temporary shelter special need for  
30 homeless assistance may be increased if authorized by the current  
31 year's Budget Act by specifying a different daily allowance and  
32 appropriating the funds therefor.

33 (I) No payment shall be made pursuant to this paragraph unless  
34 the provider of housing is a commercial establishment, shelter, or  
35 person in the business of renting properties who has a history of  
36 renting properties.

37 (g) The department shall establish rules and regulations ensuring  
38 the uniform application statewide of this section.

39 (h) The department shall notify all applicants and recipients of  
40 aid through the standardized application form that these benefits

1 are available and shall provide an opportunity for recipients to  
2 apply for the funds quickly and efficiently.

3 (i) Except for the purposes of Section 15200, the amounts  
4 payable to recipients pursuant to Section 11453.1 shall not  
5 constitute part of the payment schedule set forth in subdivision  
6 (a).

7 The amounts payable to recipients pursuant to Section 11453.1  
8 shall not constitute income to recipients of aid under this section.

9 (j) For children receiving Kin-GAP pursuant to Article 4.5  
10 (commencing with Section 11360) or Article 4.7 (commencing  
11 with Section 11385) there shall be paid, exclusive of any amount  
12 considered exempt as income, an amount of aid each month, which,  
13 when added to the child's income, is equal to the rate specified in  
14 Sections 11364 and 11387.

15 (k) (1) This section shall become operative on April 1, 2013.  
16 A county shall implement the semiannual reporting requirements  
17 in accordance with the act that added this section no later than  
18 October 1, 2013.

19 (2) Upon implementation described in paragraph (1), each  
20 county shall provide a certificate to the director certifying that  
21 semiannual reporting has been implemented in the county.

22 (3) Upon filing the certificate described in paragraph (2), a  
23 county shall comply with the semiannual reporting provisions of  
24 this section.

25 *SEC. 2. (a) Notwithstanding the Administrative Procedure*  
26 *Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of*  
27 *Division 3 of Title 2 of the Government Code), the State*  
28 *Department of Social Services shall implement this act through*  
29 *an all-county letter or similar instructions from the director no*  
30 *later than April 1, 2015.*

31 *(b) The department shall adopt regulations as necessary to*  
32 *implement this act no later than July 1, 2016.*

33 ~~SEC. 2.~~

34 *SEC. 3.* No appropriation pursuant to Section 15200 of the  
35 Welfare and Institutions Code shall be made for purposes of this  
36 act.

37 ~~SEC. 3.~~

38 *SEC. 4.* If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O